

JAN 21 2003

Docket No. VTN-0572

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Denwood F. Ross III et al.
Serial No. : 10/051,992 Art Unit: 2878
Filed : January 17, 2002 Examiner: Israel, Andrew
For : Missing Lens Detection System and Method

I hereby certify that this correspondence is being deposited with the
United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant
Commissioner for Patents, Washington, DC 20231 on

January 15, 2003

(Date)

Sheila Cole

Name of applicant, assignee, or Registered Representative

(Signature)

January 15, 2003

(Date of Signature)

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Dear Sir:

1. This declaration is submitted to establish completion and reduction to practice of the invention in the above-identified application in the United States at a date prior to September 11, 1998, that is the filing date of U.S. Patent Application Serial No. 07/151,560 that issued September 26, 2000 as U.S. Patent No. 6,124,594.

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2. I, Timothy P. Newton, am an inventor jointly with Denwood F. Ross, of the invention described and claimed in the above-identified application.

3. I am presently and was, at and before the completion of the invention, in the employ of Johnson & Johnson Vision Care, Inc. (the Assignee) to whom the above-identified application is assigned.

4. I understand that the claims of the present invention have been rejected in view of the U.S. Patent No. 6,124,594.

5. Appended hereto as Exhibit A is a true copy of the Invention Disclosure that was used to prepare the above-identified application. This Invention Disclosure, which was prepared and submitted to the Assignee, discloses the invention and shows that the present invention was made prior to September 1998.

6. Appended hereto as Exhibit B are true copies of two drawings of a prototype of a lens inspection system that were prepared for the Assignee by a third party under my direction, after I disclosed the invention to the third party. The drawings show the elements of the invention including a circuit board that is the processor for the lens detection system. The drawings show that the present invention was made prior to September 1998.

6. Appended hereto as Exhibit C are true copies of two invoices submitted by the third party to the Assignee for building the Lens Detection System. The invoices show that the present invention was made prior to September 1998.

7. All dates redacted in Exhibits A, B, and C are before September 1998. Additionally the third party's name has been redacted from the drawings and the invoice.

8. I, Timothy P. Newton, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 35 USC §1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issuing thereon.

By:

Timothy P. Newton
Timothy P. Newton

Country of Citizenship: U.S.A.

Address: 5083 Lincolnshire Rd. Jacksonville FL 32217

Date: 1-13-2003

Att.

Exhibit A: Invention Disclosure;

Exhibit B: Drawings; and

Exhibit C: Invoices